

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARITZA RODRIGUEZ,

Civil Action No. _____

Plaintiff(s),

PETITION FOR REMOVAL

v.

WALMART, WALMART, INC., WALMART STORES, INC., WAL-MART STORES EAST, INC., WAL-MART STORES EAST I, LP, WAL-MART PROPERTIES, INC., WAL-MART REALTY CO., WALMART SUPERCENTER OF NORTH BERGEN STORE #3795, JOHN DOE 1-10, JOHN DOE, INC., 1-10, and the ABC CORPORATION 1-10, the latter names being fictitious, the true identities being presently unknown, JAN DOE 1-10, JANE DOE, INC. 1-10, and the DEF CORPORATION 1-10, the latter names being fictitious, the true identities being presently unknown,

Defendant(s)

Removing Defendants, Walmart Stores, Inc., Walmart Stores East, Inc., Walmart Stores East, L.P. i/p/a Walmart Stores East I LP, and Walmart Realty Co., Inc. i/p/a Walmart Realty Co., upon information and belief state as follows:

1. Plaintiff, Maritza Rodriguez, commenced an action against removing Defendants, Walmart Stores, Inc., Walmart Stores East, Inc., Walmart Stores East, L.P. i/p/a Walmart Stores East I

LP, and Walmart Realty Co., Inc. i/p/a Walmart Realty Co., in the Superior Court of the State of New Jersey, Law Division, Hudson County, under docket number HUD-L-4137-16 by the filing of a Complaint on or about November 9, 2016. **(See Exhibit A)**

2. Plaintiff Maritza Rodriguez is a resident of the State of New Jersey.

3. There is no legal entity known as "Walmart Stores East I LP" which is named as a defendant in this action. However, Walmart Stores East, L.P., also a defendant named in this action, operates a retail store located at 2100 88th Street, North Bergen, New Jersey. Wal-Mart Stores East, L.P. is a Delaware Limited Partnership, of which WSE Management, LLC, a Delaware Limited Liability Company, is the general partner, and WSE Investment, LLC, a Delaware Limited Liability Company, is the limited partner. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas Limited Liability Holding Company with its principal place of business located in the State of Arkansas.

4. Wal-Mart Stores, Inc. is incorporated in the State of Delaware and has a principal place of business in the State of Arkansas.

5. Walmart Realty Co., Inc. is a corporation organized and existing under the laws of the State of Arkansas with a principal place of business located in Bentonville, Arkansas.

6. Wal-Mart Stores East, Inc., is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located in Bentonville, Arkansas.

7. Upon information and belief, there are no entities incorporated as "Walmart," "Walmart Properties, Inc." or "Walmart Supercenter of North Bergen Store # 3795."

8. Service of Process was effectuated on Wal-Mart Stores, Inc., Walmart Stores East, L.P. and Wal-Mart Stores East, Inc. through its agent for receipt of process on December 2, 2016.

9. The amount in controversy is more than \$75,000.00

10. Accordingly, this Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332, and Defendant is entitled to removal pursuant to 28 U.S.C. § 1441.

WHEREFORE, Removing Defendants, Walmart Stores, Inc., Walmart Stores East, Inc., Walmart Stores East, L.P. i/p/a Walmart Stores East I LP, and Walmart Realty Co., Inc. i/p/a Walmart Realty Co., hereby petition for the removal of Plaintiff's action from the Superior Court of the State of New Jersey to the United States District Court for the District of New Jersey.

COTTRELL SOLENSKY, P.A.

Attorneys for Defendants,

Walmart Stores, Inc., Walmart Stores

East, Inc., Walmart Stores East, L.P.

i/p/a Walmart Stores East I LP, and

Walmart Realty Co., Inc. i/p/a Walmart

Realty Co.,

By: 

Floyd G. Cottrell, Esq.

Dated: December 16, 2016